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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BOUTAH, ALINA A

ART UNIT PAPER NUMBER

2143

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/715,694

Applicant(s)

LORD ET AL.

Examiner

Alina N. Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to disclose a programmable processor as claimed in the independent claims 1, 12 and 15.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the media player." There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites "connecting over the wide area network... authenticating with the central server... obtaining from the central server... connecting to the agent... receiving from the

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agent... passing to a media player...” it is unclear as to what or who (i.e. client, server, etc) is performing these steps. Similar issue resides in claim 15.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. “A set of stored instruction” is non-statutory as not being **tangibly embodied** in a manner so as to be executable.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0013852 by Janik.

Regarding claim 1, Janik teaches a set of stored instructions that, when read by a programmable processor, results in the processor performing a process, the process comprising:

storing meta data information describing media files available on the process' host (figure 1: 96; paragraph 0132);

receiving over the WAN a connection from a remote client process and a request for at least some of the stored meta data information [0120];

communicating to the remote client process the requested meta data information and an identifier for uniquely identifying a media file described by the requested meta data information [0120];

receiving a request to transfer the media file, the request including the identifier; and transmitting the requested media file to the media player as a stream (figure 1: paragraphs 0003, 0117; 0162).

Regarding claim 2, Janik teaches the set of stored instructions of claim 1, wherein the identifier is a uniform resource identifier [0132].

Regarding claim 3, Janik teaches the set of stored instructions of claim 1, wherein the process further comprises communicating to a remote server a wide area network address to be used to connect to the process over the WAN (abstract: internet).

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Regarding claim 4, Janik teaches the set of stored instructions of claim 3, wherein the process further comprises determining whether the process is able to receive connections from a wide area network (WAN) [0082].

Regarding claim 5, Janik teaches the set of stored instructions of claim 1, wherein the process further comprises configuring a network address translation (NAT) router to enable the process to receive connections from the WAN [0107].

Regarding claim 6, Janik teaches the set of stored instructions of claim 1, wherein the process runs on a host device connected to a local area network and further comprises automatically discovering other instances of the process running on other host devices connected to the same local area network as the process and connects to the other instances of the process [0115].

Regarding claim 7, Janik teaches the set of stored instructions of claim 6, wherein the process reports to the remote server information on the other instances of the process discovered by the process [0115].

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Regarding claim 8, Janik teaches the set of stored instructions of claim 6, wherein the process receives a request from the remote client process to transmit a media file as a stream to an instance of a local client process running on the same local area network [0120].

Regarding claim 9, Janik teaches the set of stored instructions of claim 1, wherein the process further comprises searching the local host for media files and storing meta data describing the located media files [0079].

Regarding claim 10, Janik teaches the set of stored instructions of claim 9, wherein the process searches media further comprises searching devices connected with the local host for media files [0089].

Regarding claim 11, Janik teaches the set of stored instructions of claim 1, wherein the process is limited to transmitting one stream at a time (abstract).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US

2004/0254887 A1 by Jacoby.

Regarding claim 15, Jacoby teaches a set of stored instructions that, when read by a programmable processor, results in the processor performing a process, the process comprising:

receiving a first connection over a wide area network from a first process; receiving a second connection from a second process requesting connection to the first process; forwarding packets received from the second process over the second connection to the first process connecting to a proxy server on the WAN (figure 1).

Regarding claim 16, Jacoby teaches the set of stored instructions of claim 15, wherein the first connection is identified with a unique identifier, and wherein the second connection identifies the first connection by the identifier (abstract).

Regarding claim 17, Jacoby teaches the set of stored instructions of claim 15, wherein the packets are communicating a streamed media file (abstract).



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik in view of Jacoby.

Regarding claim 12, Janik teaches a set of stored instructions that, when read by a programmable processor, results in the processor performing a process, the process comprising:

connecting over a wide area network (WAN) to a central server (abstract; figure 1); and passing to a media player a unique identifier for the media file, which permits the media player to request transmission of the media file as a stream (figure 1: paragraphs 0003, 0117; 0162).

However, Janik does not explicitly teach authenticating with the central server using an identifier; obtaining from the central server a WAN address for an agent processes associated with the identifier; connecting to the agent process at the WAN address; receiving from the agent process information for uniquely identifying on the WAN a media file available for streaming; passing to a media player a unique identifier for the media file, which permits the media player to request transmission of the media file as a stream, the identifier including the WAN address for the agent process.

In an analogous art, Jacoby teaches streaming media file from a server to a client player over the network. The streaming includes a metering URL (meta data), which allows the client to request and obtain media files which permits the transmission of the media file to be played on the client's media player (abstract; figures 1 and 5). Client is able to access to the server by authentication [0040, 0048,0050,0054]. At the time the invention was made, one of ordinary skill in the art would have been motivated to incorporate the teaching of Jacoby into the teaching of Janik in order to provide access security to the system, thus making the system more protected.

Regarding claim 13, Janik teaches the set of stored instructions of claim 12, wherein the unique identifier is comprised of a uniform resource identifier (URI) [0132].

Regarding claim 14, Jacoby teaches the set of stored instructions of claim 12, wherein the process further comprises requesting the agent process for information describing media files available for streaming to the client process (figure 1).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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